

60,130-1829 (00MRA0373/382)

REMARKS

Claims 21-41 remain pending in the application including independent claim 21. Claims 22, 23, and 30-40 stand withdrawn as being drawn to non-elected species pending allowance of a generic claim. New claims 43-45 have been added including independent claim 44. Claim 42 has been cancelled.

In response to appellant's Appeal Brief, the examiner has withdrawn the rejection under 35 U.S.C. 103(a) of claims 24-29 and 41 based on Saito in view of Ross, and has issued a new ground of rejection. In response to this new ground of rejection, appellant requests that prosecution be re-opened and that the present amendment be entered.

Claim 42 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot as claim 42 has been cancelled.

Claims 21, 24-26, 28, 29, 41, and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saito (US 6185873) alone. Claim 21 has been amended to recite the additional step of providing a first alignment member on one side of the vehicle door panel and providing a second alignment member on an opposite side of the vehicle door panel.

Under the new ground of rejection set forth at Examiner's Answer, Item 9, Page 4, the examiner argues that Saito discloses a door panel 5 having a first alignment member (outside surface of 5a) and a second alignment member (inside surface of 5a). Subsequently, in the Response to Argument section of the Examiner's Answer, Item 10, Section B, pages 6-7, the examiner refers to the examiner's original position that Saito discloses a first alignment member 5b formed on one side of the vehicle door panel, and a second alignment member 5c formed on an opposite side of the vehicle door panel. Applicant will respond to the different rejections set forth below, however, applicant respectfully requests clarification of the examiner's position with regard to the Saito reference.

Claim 21 recites the step of aligning a window regulator housing relative to the vehicle door panel via the first alignment member, and aligning a power mechanism relative to the vehicle door panel via the second alignment member. The examiner argues that Saito discloses a window regulator housing 8 that is aligned relative to the door panel via the first alignment member (outside surface of 5a) and a power mechanism

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7 aligned relative to the door panel via the second alignment member (inside surface of 5a). Applicant disagrees. The outside surface of 5a is not capable of aligning the housing 8 relative to the door panel 5. As shown in Figures 4-5, the outside surface of 5a does not provide any type of alignment feature for the flange portion of housing 8, which is the only portion that contacts the outer surface of 5a. Further, the inside surface of 5a is clearly not capable of aligning the power mechanism 7 relative to the door panel 5. Again, this is clear from Figures 4 and 5 of Saito.

The examiner also argues that the first alignment member 5b and second alignment member 5c are clearly formed on opposite sides of the vehicle door panel since each of the alignment members extends through the door panel from one side to the other side. Applicant respectfully asserts that element 5c cannot be used to align the motor 7 relative to the door panel 5. The hole 5c merely serves as an opening to allow a portion of the motor 7 to extend through the door panel 5. An elastic member 21 is required to close off the remaining portion of the hole 5c (see Figure 4). Thus, the hole 5c cannot serve to align the motor 7 to the door panel 5.

In response to this argument, the examiner states that the power mechanism includes elastic member 21 and that the position of the power mechanism 7 is determined (aligned) relative to the door panel 5 by position of the elastic member 21 relative to the second alignment member 5c. "If the power mechanism were not properly aligned with the second alignment member 5c within a specified tolerance, a portion of the elastic member would not engage the vehicle door panel 5 resulting in the power mechanism being disposed at an angle relative to the vehicle door panel 5." Examiner's Answer, Item 10, Section B, page 7, lines 11-15. If this occurs then the power mechanism is not aligned to the door panel. If the power mechanism is disposed at an angle relative to the door panel 5 then the openings for bolts 11a-11c are not aligned and the power mechanism could not be assembled to the door panel 5. As such, the examiner has admitted that alignment member 5c is not capable of aligning the power mechanism 7 as claimed. Thus, for the reasons set forth above, claim 21 is allowable over Saito.

For similar reasons to those set forth above, new claims 43-45 are also allowable over Saito. Claims 43 and 45 recite the steps of providing the first alignment member only on one side of the vehicle door panel and providing the second alignment member

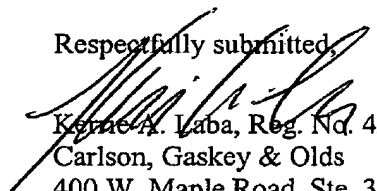
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only on an opposite side of the vehicle door. Saito clearly does not disclose this feature as elements 5b and 5c are holes that extend entirely through the panel.

Further, independent claim 44 recites the steps of aligning one of a window regulator housing and power mechanism relative to the vehicle door panel via one of the first alignment member and the second alignment member; subsequently securing the one of the window regulator housing and power mechanism to the vehicle door panel; subsequently aligning the other of the window regulator housing relative to the vehicle door panel by the other of the first alignment member and the second alignment member; and subsequently securing the other of the window regulator housing and power mechanism to the vehicle door panel. For the reasons set forth above, Saito does not disclose this combination of steps.

Applicant asserts that all claims are in condition for allowance. The Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds for two additional dependent claims. It is believed that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, for any additional fees or credit the account for any overpayment.

Respectfully submitted,


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Dated: July 17, 2006

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on July 17, 2006.


Kerrie A. Laba